

AMENDED IN ASSEMBLY APRIL 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2083**

**Introduced by Assembly Member Briggs**

February 22, 2000

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An act to amend Section 14504 of the Public Resources Code, relating to beverage containers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2083, as amended, Briggs. Beverage containers: fruit juice.

The existing California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Conservation for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund. "Beverage" is defined, for purposes of the act, to include, among other things, specified noncarbonated fruit drinks, if those products are sold in plastic, glass, bimetal, or aluminum containers in liquid, ready-to-drink form and intended for human consumption.

This bill would exempt from the definition of "beverage" for purposes of the act, 100% fruit juice in a ~~container of any size that is used for a public or private school institutional breakfast, lunch, or snack program pursuant to specified provisions of state or federal law or to satisfy federal or state nutritional content requirements~~ *plastic portion-controlled container or a nonrigid plastic pouch of 8 ounces or less, that*

*is used for a breakfast, lunch, or snack program at a public or private elementary or secondary school, health facility, residential care facility, or other institution.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that  
2 a financial impact upon public and private school lunch  
3 programs was an unintended result of the expansion of  
4 Section 14504 of the Public Resources Code, by Senate Bill  
5 332 of the 1999–2000 Regular Session of the Legislature,  
6 when noncarbonated beverages containing fruit juice  
7 were included within the California Beverage Container  
8 Recycling and Litter Reaction Act. The Legislature  
9 further finds and declares that the food products used in  
10 those programs fulfills federal and state nutritional  
11 requirements, and therefore should be exempted from  
12 the California Beverage Container Recycling and Litter  
13 Reaction Act.

14 SEC. 2. Section 14504 of the Public Resources Code is  
15 amended to read:

16 14504. (a) Except as provided in subdivision (b),  
17 “beverage” means any of the following products, if those  
18 products are in liquid, ready-to-drink form, and are  
19 intended for human consumption:

20 (1) Beer and other malt beverages.

21 (2) Wine and distilled spirit coolers.

22 (3) Carbonated water, including soda and carbonated  
23 mineral water.

24 (4) Noncarbonated water, including noncarbonated  
25 mineral water.

26 (5) Carbonated soft drinks.

27 (6) Noncarbonated soft drinks and “sport” drinks.

28 (7) Except as provided in paragraphs (4) and (5) of  
29 subdivision (b), noncarbonated fruit drinks that contain  
30 any percentage of fruit juice.

31 (8) Coffee and tea drinks.

32 (9) Carbonated fruit drinks.



(b) “Beverage” does not include any of the following:

(1) Any product sold in a container that is not an aluminum beverage container, a glass container, a plastic beverage container, or a bimetal container.

(2) Wine, or wine from which alcohol has been removed, in whole or in part, whether or not sparkling or carbonated.

(3) Milk, medical food, or infant formula.

(4) One hundred percent fruit juice in containers that are 46 ounces or more in volume.

~~(5) One hundred percent fruit juice in a container of any size that is used for a public or private school institutional breakfast, lunch, or snack program pursuant to Chapter 9 (commencing with Section 49400) of Part 27 of the Education Code or the National School Lunch Act, as amended (Chapter 13 (commencing with Section 1751) of Title 42 of the United States Code) or to satisfy federal or state nutritional content requirements.~~

*(5) One hundred percent fruit juice in a plastic portion-controlled container or a nonrigid plastic pouch, of eight ounces or less, that is used for a breakfast, lunch, or snack program at a public or private elementary or secondary school, health facility, as defined in Section 1250 of the Health and Safety Code, residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or other institution.*